

1 Gena L. Sluga, Nevada Bar No. 9910
2 CHRISTIAN, KRAVITZ, DICHTER, JOHNSON & SLUGA, LLC
3 8985 S. Eastern Avenue, Suite 200
4 Las Vegas, Nevada 89123
5 Telephone: (702) 362-6666
6 Facsimile: (702) 992-1000
gsluga@cdslawfirm.com
*Attorneys for Plaintiff Foremost Signature
Insurance Company*

7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF NEVADA**

9 FOREMOST SIGNATURE INSURANCE
10 COMPANY, a Michigan corporation duly
11 licensed to sell and administer insurance in
The State of Nevada,

12 Plaintiff,
13 Vs.

14 GMUENDER ENGINEERING, LLC, a Nevada
15 limited liability company; JOSEF C.
16 GMUENDER and JANE DOE GMUENDER, husband and wife; MARY E. GMUENDER and
17 JOHN DOE GMUENDER, husband and wife; WILLIAM HUBER, parent and guardian of
18 Ashley Huber and Taylor Huber, individually and as surviving children of Kelly Huber, deceased;
19 GRANBY REALTY HOLDINGS, LLC, a Colorado limited liability company; GRANITE
20 STATE INSURANCE COMPANY, an Illinois corporation; NATIONAL UNION FIRE
21 INSURANCE COMPANY OF PITTSBURGH PA, a Pennsylvania corporation.

22
23 Defendants.

Case No. 3:19-cv-00508-MMD-CLB
**ORDER GRANTING JOINT MOTION
FOR ENTRY OF A STIPULATED
JUDGMENT AGAINST GMUENDER
ENGINEERING, LLC AND JOSEF C.
GMUENDER**

24 Pursuant to L.R. Civ. 7-1(c), Plaintiff Foremost Signature Insurance Company (“Foremost”)
25 and Defendants Gmuender Engineering, LLC and Josef C. Gmuender (the “Gmuender Defendants”)
26 jointly move to have this Court enter a stipulated judgment against the Gmuender Defendants as
27 described below and as set forth in the form of order submitted with this Joint Motion for Entry of a
28 Stipulated Judgment Against Gmuender Engineering, LLC and Josef C. Gmuender.

1 Foremost and the Gmuender Defendants stipulate to the following:

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1. Foremost is entitled to a judicial declaration against the Gmuender Defendants that there is no coverage under Foremost's Small Business Policy number PAS 01989310, issued to named insured Gmuender Engineering LLC, for the damages sought in the lawsuit styled *Huber et al. v. Granby Realty Holdings, et al.*, 2019CV30046, and for the death of Defendant William Huber's wife and injury to Defendant William Huber's children.
2. Foremost is entitled to a judicial declaration against the Gmuender Defendants that Foremost owes no past or present duty to defend, indemnify, or reimburse any of this action's Defendants in any amount for any claims in connection with the lawsuit styled *Huber et al. v. Granby Realty Holdings, et al.*, 2019CV30046, and for the death of Defendant William Huber's wife and injury to Defendant William Huber's children.
3. Foremost will not seek reimbursement from the Gmuender Defendants for any defense fees or defense costs expended in defending the Gmuender Defendants and incurred in *Huber et al. v. Granby Realty Holdings, LLC, et al.*, 1:18-cv-030024-RM-MEH, or *Huber et al. v. Granby Realty Holdings, LLC*, 2019CV30046 through the date this order is granted.
4. Each party will bear its own attorneys' fees and costs.
5. The Gmuender Defendants, their successors, members, managers, heirs, agents, and all making claim of right through or on behalf of the Gmuender Defendants, shall forever be bound by the Court's ruling, orders, and future judgments entered in this captioned litigation.
6. The proposed order is below.

RESPECTFULLY SUBMITTED this 14th day of April 2020.

By: /s/ Gena L. Sluga

Gena L. Sluga

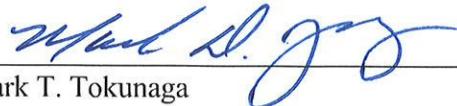
CHRISTIAN, KRAVITZ, DICHTER, JOHNSON & SLUGA, LLC

8985 South Eastern Avenue, Suite 200

Las Vegas, Nevada 89123

gsluga@cdslawfirm.com

Attorney for Plaintiff Foremost Signature Insurance Company

1 By: 
2

3 Mark T. Tokunaga
4 LAURIA TOKUNAGA GATES & LINN, LLP
5 885 Tahoe Boulevard, Suite 7
6 Incline Village, Nevada 89451
7 mtokunaga@ltglaw.net

8 *Attorney for Defendants Gmuender Engineering, LLC and*
9 *Josef C. Gmuender and Jane Doe Gmuender*

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ORDER

This Court, having reviewed the Joint Motion for Entry of a Stipulated Judgment Against Gmuender Engineering, LLC and Josef C. Gmuender filed by Foremost Signature Insurance Company (“Foremost”) and Gmuender Engineering, LLC and Josef C. Gmuender (together, the “Gmuender Defendants”), and for good cause appearing:

IT IS HEREBY ORDERED declaring the following against the Gmuender Defendants: There is no coverage under Foremost's Small Business Policy number PAS 01989310, issued to named insured Gmuender Engineering LLC, for the damages sought in the lawsuit styled *Huber et al. v. Granby Realty Holdings, et al.*, 2019CV30046, and for the death of Defendant William Huber's wife and injury to Defendant William Huber's children; and Foremost owes no past or present duty to defend, indemnify, or reimburse any of this action's Defendants in any amount for any claims in connection with the lawsuit styled *Huber et al. v. Granby Realty Holdings, et al.*, 2019CV30046, and for the death of Defendant William Huber's wife and injury to Defendant William Huber's children.

IT IS FURTHER ORDERED that Foremost may not seek reimbursement from the Gmuender Defendants for any defense fees or defense costs expended in defending the Gmuender Defendants in *Huber et al. v. Granby Realty Holdings, LLC, et al.*, 1:18-cv-030024-RM-MEH, or *Huber et al. v. Granby Realty Holdings, LLC*, 2019CV30046 through the date of this order.

IT IS FURTHER ORDERED that each party will bear its own attorneys' fees and costs.

IT IS FURTHER ORDERED that the Gmuender Defendants, their successors, members, managers, heirs, agents, and all making claim of right through or on behalf of the Gmuender Defendants, shall forever be bound by the Court's ruling, orders, and future judgments entered in this captioned litigation.

IT IS SO ORDERED:

United States District Judge Miranda M. Du

DATED: December 7, 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April 2020, service of the foregoing **JOINT MOTION FOR ENTRY OF A STIPULATED JUDGMENT AGAINST GRANBY REALTY HOLDINGS, LLC** was made upon each party in the case who is registered as an electronic case filing user with the Clerk as follows:

Jeffrey N. Labovitch
jlabovitch@nicolaidesllp.com
Joseph P. Lang
jlang@nicolaidesllp.com
NICOLAIDES FINK THORPE
MICHAELIDES SULLIVAN LLP
4365 Executive Drive, Suite 950
San Diego, CA 92121
Telephone: (858) 257-0700
Facsimile: (858) 257-0701

Kevin E. Helm
KevinH@helmandassociates.net
HELM & ASSOCIATES
2330 Paseo Del Prado, Suite C103
Las Vegas, NV 89102
Telephone: (702) 258-0022
Facsimile: (702) 258-0114
Attorneys for Defendants
Granite State Insurance Company and
National Union Fire Insurance Company of Pittsburgh, PA

/s/ Harleigh Scott
An Employee of Christian, Kravitz, Dichter, Johnson & Sluga, LLC